

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

UNITED STATES OF AMERICA)
)
) CRIMINAL ACTION NO.
 v.) 3:08cr209-MHT
) (WO)
 CARLOS L. BROOKS)

OPINION

The court has previously held that, despite having been found "not guilty only by reason of insanity," 18 U.S.C. § 4242(b)(3), defendant Carlos L. Brooks should not be released from custody. United States v. Brooks, 2010 WL 6570902 (M.D. Ala. Dec. 16, 2010). The issue currently before the court is whether Brooks should be released now that the director of the facility where he is being housed has certified that "Brooks ... has recovered from his mental disease or defect to such an extent that his release would no longer create a substantial risk of bodily injury to another person or serious damage to the property of another." Psych. Rep. at 2 (Doc. No. 182).

Based on the evidence presented at a hearing held on July 20, 2011, the court holds that Brooks should be released unconditionally and discharged from this case.

The issue at the hearing was whether Brooks's release should be unconditional or conditional, the two conditions being his continued medication (including the antipsychotic risperidone for auditory hallucinations, mirtazapine as an anti-depressant and benztropine for side effect management) and participation in substance-abuse treatment. See United States v. Brooks, 2011 WL 2580120, at *2 (M.D. Ala. June 28, 2011). According to the government, Brooks will be turned over to state custody upon his release from federal custody; his state sentence carries a release date of December 24, 2022; and he will not be eligible for parole until June 1, 2013. Both the government and Brooks argue that placing the above two conditions on Brooks's release from federal custody would be purposeless. The court agrees.

The court will therefore enter a judgment releasing Brooks unconditionally and discharging him from this case.

DONE, this the 20th day of July, 2011.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE